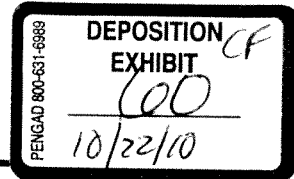


Carl Woock



**From:** Nelson Whipple  
**Sent:** Monday, May 24, 2010 4:43 PM  
**To:** Thomas Adler  
**Subject:** FW: Call Monday morning?  
**Attachments:** 20100524 Draft Survey Questions v8.docx

-----Original Message-----

**From:** Thomas Adler  
**Sent:** Monday, May 24, 2010 3:34 PM  
**To:** Matthew P. Schaefer  
**Cc:** Nelson Whipple; George S. Isaacson  
**Subject:** RE: Call Monday morning?

The attached (v.8) includes my responses to comments and corresponding changes to the draft. I'm not sure that there is much left to discuss but as I said previously, I am available tomorrow before 10AM for a call if you feel that a call would be useful.

-----Original Message-----

**From:** Matthew P. Schaefer [<mailto:MSchaefer@brannlaw.com>]  
**Sent:** Monday, May 24, 2010 2:39 PM  
**To:** Thomas Adler  
**Cc:** Nelson Whipple; George S. Isaacson  
**Subject:** RE: Call Monday morning?

Tom:

I attach the next proposed revision of the questionnaire. I have used notes to describe most of the edits, questions and proposed changes, although a few things are merely redlined. With regard to Questions 3 and 4, just as a matter of simplification, the question we have is whether, if the respondent is asked to contemplate a future purchase, the length of Colorado residency remains relevant? With regard to Question 6, our inclination is to drop it, but we can discuss. We have proposed to move question 9 up in the order, as you will see, because it would appear to connect more directly to the disclosure requirement, rather than to the notice a taxpayer receives of the disclosure requirement when purchasing.

I am optimistic that we will be able to move ahead on implementation soon. Let us know how you would propose we go from here -- a call to wrap up final details and concerns may make the most sense.

Thanks,

Matt

-----Original Message-----

**From:** Thomas Adler [<mailto:tadler@rsginc.com>]  
**Sent:** Monday, May 24, 2010 8:16 AM  
**To:** Matthew P. Schaefer  
**Cc:** Nelson Whipple  
**Subject:** RE: Call Monday morning?

Hi Matt,

Attached is a newly-revised draft that I put together over the weekend. I think that it is close but there are some remaining comments that may warrant additional discussion. However, I don't feel strongly about any of those remaining issues and would be happy to take recommendations from you or George if you have stronger opinions.

I have a meeting from 10 to 11 this AM and could talk either before or after that meeting this AM. Nelson does not appear to be available This AM. Just let me know if you'd like to talk this morning.

Thanks,  
Tom

-----Original Message-----

From: Matthew P. Schaefer [<mailto:MSchaefer@brannlaw.com>]  
Sent: Sunday, May 23, 2010 5:50 PM  
To: Thomas Adler  
Subject: Call Monday morning?

Tom:

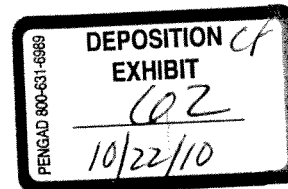
Would it make sense for us to try to arrange a call late Monday morning, schedules permitting? We might be in very good shape, but with our client call Monday afternoon touching base may be useful.

Let me know if you feel a call would be useful and you have availability.

Thanks very much.

Matt

Sent from my iPhone



**DMA/Colorado: Questionnaire**

*(Version 9 - For Final Review)*

Thank you for agreeing to participate in this survey. The purpose of the survey is to understand some of the factors that may affect your purchase decisions. The survey is being conducted by Resource Systems Group, Inc., an independent survey research firm. Please be assured that your answers will be kept strictly confidential and will not be associated with your name in any way. Absolutely no sales or marketing activity will result from your participation.

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To review a previous question, use the browser's "back" button, which is the left-pointing arrow in the upper left corner of the browser.

Please click "Next Question" to continue.

*Programming note: a progress bar should be shown at the bottom of the screen during the survey.*

1. Are you or any of your immediate family members currently employed in any of the following areas?

Please select all that apply.

- a. Advertising or public relations
- b. Agriculture or farming
- c. Construction
- d. Consulting
- e. Law or law enforcement
- f. Financial services or banking
- g. Education
- h. Market research → Terminate
- i. Media
- j. Manufacturing
- k. Public service or Not-for-profit

- l. Government agency
- m. Real estate
- n. Internet or catalog sales → Terminate
- o. Retailing
- p. Wholesaling
- q. Other
- r. None of the above

2. In what state do you currently live?

(use pull-down list of states) → Terminate if not Colorado

3. Have you purchased any products from an Internet or catalog retailer at any time within the past 6 months?

Please do not include purchases from individuals, such as individual sellers on eBay or Craig's List.

- a. YES
- b. NO → Terminate

4. For the next set of questions, please think about the **MOST RECENT** purchase that you made from an Internet or catalog retailer that is not located in Colorado and did not charge sales tax on the transaction. Again, please do not include purchases from individuals, such as individual sellers on eBay or Craig's List.;

Which of the following best describes the type of product you purchased?

Please select all types that you bought as part of that most recent purchase.

- a. Books, music or video
- b. Clothing or accessories
- c. Drugs or cosmetics
- d. Consumer Electronics
- e. Computers and computer accessories

- f. Jewelry
- g. Tools/hardware
- h. Furniture/homeware
- i. Cooking/Kitchenware
- j. Outdoor/garden
- k. Food or drinks
- l. Software
- m. Office Supplies
- n. Other \_\_\_\_\_ please describe
- o. None of the above

5. How did you make this purchase?

- a. Over the Internet
- b. By telephone
- c. By mail

6. Assume that in the future, the seller of this item, along with other out-of-state retailers, would be required to report your name, billing address, shipping address, the amount of your purchases, and the name of the retailer to the Colorado Department of Revenue.

Please indicate whether you agree or disagree with each of the following statements. (the following are all on 5-point Likert agree/disagree scale)

- a. Reporting my name, billing address, shipping address, and the amount of my purchases to the State is an invasion of my privacy
- b. I do not mind the State of Colorado knowing the kinds of products I buy, from whom I buy them, where I have them shipped, and how much I spend

7. If you were to make this type of purchase in the future under similar circumstances, but with this new disclosure requirement in place, what would you most likely do?

- d. Purchase the item from this seller just as I did
- e. Purchase this item by phone, mail, or internet from a retailer located in Colorado that is not required to report your name, billing address, shipping address, and the amount of my purchases to the Colorado Department of Revenue

- f. Purchase the item in person from a store located in Colorado that is not required to report your name, billing address, shipping address, and the amount of my purchases to the Colorado Department of Revenue
- g. Not purchase the item at all
- h. Other (please describe) \_\_\_\_\_

8. A new Colorado law requires each Internet and catalog retailer that does not collect Colorado sales tax to file annually with the Colorado Department of Revenue a written statement identifying each Colorado consumer who made purchases from the retailer during the previous calendar year and showing the total amount paid by each purchaser.

Under this new law, the Colorado Department of Revenue requires each Internet and catalog retailer that does not collect Colorado sales tax to give the purchaser notice with each purchase that:

- i. The retailer does not collect Colorado sales tax.
- ii. The purchase is not exempt from Colorado sales or use tax merely because it is made over the Internet or by other remote means.
- iii. The retailer is required by law at the end of the year to report to the Colorado Department of Revenue the purchaser's name, billing address, shipping address, and total dollar amount of Colorado purchases made over the Internet or by other remote means on which no Colorado sales tax was collected.
- iv. The State of Colorado requires that a Colorado purchaser must file a sales/use tax return at the end of the year reporting all taxable Colorado purchases that were not taxed and pay sales/use tax on those purchases.
- v. The retailer will send the purchaser an end-of-year summary of all Colorado purchases in order to assist in filing the use tax return.

As a result of this law, how would your Internet and catalog purchases from out-of-state retailers who must report your name, address and purchase amount to the Department of Revenue likely be affected over the coming year?

- a. Increase as compared to the past year
- b. Remain the same as in the past year
- c. Decrease as compared to the past year

Thank you very much for your input so far! The survey is almost complete. The last few questions will be used only to categorize your answers. Once again, please be assured that your answers will be kept strictly confidential and will not be associated with your name in any way.

9. Which of the following categories represents your age?

- a. Under 21
- b. 21 – 34
- c. 35 – 44
- d. 45 – 54
- e. 55 – 64
- f. 65 – 74
- g. 75 or older

10. Do any children under the age of 18 are currently live in your home?

- a. Yes
- b. No

11. What is your gender?

- a. Female
- b. Male

12. Which of the following categories includes your HOUSEHOLD'S total income for 2009 before taxes and including all sources of income?

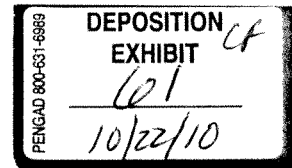
- a. Less than \$30,000
- b. \$30,000 - \$49,999
- c. \$50,000 - \$74,999
- d. \$75,000 - \$149,999

e. \$150,000 - \$249,999

f. \$250,000 or more

Thank you very much for your valuable input! All of your answers have been saved and you have now completed the survey. You may close your browser or visit other websites.





**Carl Woock**

---

**From:** Matthew P. Schaefer [MSchaefer@brannlaw.com]  
**Sent:** Tuesday, May 25, 2010 10:26 AM  
**To:** Thomas Adler; George S. Isaacson  
**Cc:** Nelson Whipple; Tyson Seely; Karyn Dossinger  
**Subject:** RE: Final review version of DMA questionnaire

Tom:

Thanks very much. On a first quick review, I note that we over-looked a couple of minor edits in Question 7 – the lettering begins with “d” rather than “a”, and what are currently parts e and f each have a lingering use of “your” which should be changed to “my” in our shift to the first person.

We will try to get DMA’s sign-off as soon as possible, so that we can move forward with the “soft” launch / pilot. The client group is anxious to move forward.

Thanks,

Matt

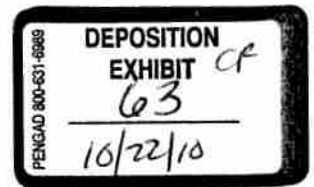
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**From:** Thomas Adler [<mailto:tadler@rsginc.com>]  
**Sent:** Tuesday, May 25, 2010 9:57 AM  
**To:** Matthew P. Schaefer; George S. Isaacson  
**Cc:** Nelson Whipple; Tyson Seely; Karyn Dossinger  
**Subject:** Final review version of DMA questionnaire

Hi Matt and George,

Attached is a final review version of the questionnaire reflecting our discussions over the past week. We will begin programming the survey and prepare for the pilot administration, understanding that the DMA review might result in a few minor wording or other changes over the next few days. If there are any changes, please copy to all of the RSG staff in this email to make sure that we are all informed and the changes get incorporated without delays.

Thanks,  
Tom



**DMA/Colorado: Questionnaire**

*(Version 9a - For Final Review)*

Thank you for agreeing to participate in this survey. The purpose of the survey is to understand some of the factors that may affect your purchase decisions. The survey is being conducted by Resource Systems Group, Inc., an independent survey research firm. Please be assured that your answers will be kept strictly confidential and will not be associated with your name in any way. Absolutely no sales or marketing activity will result from your participation.

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Please click "Next Question" to continue.

*Programming note: a progress bar should be shown at the bottom of the screen during the survey.*

1. Are you or any of your immediate family members currently employed in any of the following areas?

Please select all that apply.

- a. Advertising or public relations
- b. Agriculture or farming
- c. Construction
- d. Consulting
- e. Law or law enforcement
- f. Financial services or banking
- g. Education
- h. Market research → Terminate
- i. Media
- j. Manufacturing
- k. Public service or Not-for-profit

- l. Government agency
- m. Real estate
- n. Internet or catalog sales → Terminate
- o. Retailing
- p. Wholesaling
- q. Other
- r. None of the above

2. In what state do you currently live?

(use pull-down list of states) → Terminate if not Colorado

3. Have you purchased any products from an Internet or catalog retailer at any time within the past 6 months?

Please do not include purchases from individuals, such as individual sellers on eBay or Craig's List.

- a. YES
- b. NO → Terminate

4. For the next set of questions, please think about the MOST RECENT purchase that you made from an Internet or catalog retailer that is not located in Colorado and did not charge sales tax on the transaction. Again, please do not include purchases from individuals, such as individual sellers on eBay or Craig's List.;

Which of the following best describes the type of product you purchased?

Please select all types that you bought as part of that most recent purchase.

- a. Books, music or video
- b. Clothing or accessories
- c. Drugs or cosmetics
- d. Consumer Electronics
- e. Computers and computer accessories

- f. Jewelry
- g. Tools/hardware
- h. Furniture/homeware
- i. Cooking/Kitchenware
- j. Outdoor/garden
- k. Food or drinks
- l. Software
- m. Office Supplies
- n. Other \_\_\_\_\_ please describe
- o. None of the above

5. How did you make this purchase?

- a. Over the Internet
- b. By telephone
- c. By mail

6. Assume that in the future, the seller of this item, along with other out-of-state retailers, would be required to report your name, billing address, shipping address, the amount of your purchases, and the name of the retailer to the Colorado Department of Revenue.

Please indicate whether you agree or disagree with each of the following statements. (the following are all on 5-point Likert agree/disagree scale)

- a. Reporting my name, billing address, shipping address, and the amount of my purchases to the State is an invasion of my privacy
  - b. I do not mind the State of Colorado knowing the kinds of products I buy, from whom I buy them, where I have them shipped, and how much I spend
7. If you were to make this type of purchase in the future under similar circumstances, but with this new disclosure requirement in place, what would you most likely do?
- a. Purchase the item from this seller just as I did
  - b. Purchase this item by phone, mail, or internet from a retailer located in Colorado that is not required to report my name, billing address, shipping address, and the amount of my purchases to the Colorado Department of Revenue

- c. Purchase the item in person from a store located in Colorado that is not required to report my name, billing address, shipping address, and the amount of my purchases to the Colorado Department of Revenue
- d. Not purchase the item at all
- e. Other (please describe) \_\_\_\_\_

8. A new Colorado law requires each Internet and catalog retailer that does not collect Colorado sales tax to file annually with the Colorado Department of Revenue a written statement identifying each Colorado consumer who made purchases from the retailer during the previous calendar year and showing the total amount paid by each purchaser.

Under this new law, the Colorado Department of Revenue requires each Internet and catalog retailer that does not collect Colorado sales tax to give the purchaser notice with each purchase that:

- i. The retailer does not collect Colorado sales tax.
- ii. The purchase is not exempt from Colorado sales or use tax merely because it is made over the Internet or by other remote means.
- iii. The retailer is required by law at the end of the year to report to the Colorado Department of Revenue the purchaser's name, billing address, shipping address, and total dollar amount of Colorado purchases made over the Internet or by other remote means on which no Colorado sales tax was collected.
- iv. The State of Colorado requires that a Colorado purchaser must file a sales/use tax return at the end of the year reporting all taxable Colorado purchases that were not taxed and pay sales/use tax on those purchases.
- v. The retailer will send the purchaser an end-of-year summary of all Colorado purchases in order to assist in filing the use tax return.

As a result of this law, how would your Internet and catalog purchases from out-of-state retailers who must report your name, address and purchase amount to the Department of Revenue likely be affected over the coming year?

- a. Increase as compared to the past year
- b. Remain the same as in the past year
- c. Decrease as compared to the past year

Thank you very much for your input so far! The survey is almost complete. The last few questions will be used only to categorize your answers. Once again, please be assured that your answers will be kept strictly confidential and will not be associated with your name in any way.

9. Which of the following categories represents your age?

- a. Under 21
- b. 21 – 34
- c. 35 – 44
- d. 45 – 54
- e. 55 – 64
- f. 65 – 74
- g. 75 or older

10. Do any children under the age of 18 currently live in your home?

- a. Yes
- b. No

11. What is your gender?

- a. Female
- b. Male

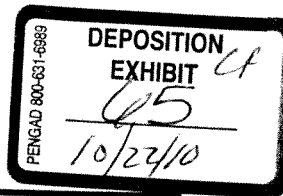
12. Which of the following categories includes your HOUSEHOLD'S total income for 2009 before taxes and including all sources of income?

- a. Less than \$30,000
- b. \$30,000 - \$49,999
- c. \$50,000 - \$74,999
- d. \$75,000 - \$149,999

e. \$150,000 - \$249,999

f. \$250,000 or more

Thank you very much for your valuable input! All of your answers have been saved and you have now completed the survey. You may close your browser or visit other websites.



**Carl Woock**

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**From:** Matthew P. Schaefer [MSchaefer@brannlaw.com]  
**Sent:** Thursday, May 27, 2010 4:48 PM  
**To:** Thomas Adler  
**Cc:** Nelson Whipple; George S. Isaacson  
**Subject:** Survey questionnaire -- final edits  
**Attachments:** 20100527 Survey Questions v9b (4).docx

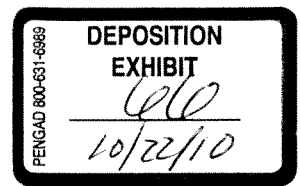
Tom:

I attach a redline of the questionnaire with a few final proposed edits and comments for consideration, flowing from our discussions with the DMA and Kevin Keller. I would like to discuss with you regarding the possible change in the language of Question 7, if you have some availability Friday (or even this evening, if that's better). I will be in the office until about 7 pm, and free again all day tomorrow except for 1-2 pm.

Thanks,

Matt





**DMA/Colorado: Questionnaire**

*(Version 10 - For Final Review)*

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Please select all that apply.

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- c. Construction
- d. Consulting
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- f. Financial services or banking
- g. Education
- h. Market research → Terminate
- i. Media
- j. Manufacturing
- k. Public service or Not-for-profit

- l. Government agency
- m. Real estate
- n. Internet or catalog sales → Terminate
- o. Retailing
- p. Wholesaling
- q. Other
- r. None of the above

2. In what state do you currently live?

(use pull-down list of states) → Terminate if not Colorado

3. Have you purchased any products from an Internet or catalog retailer at any time within the past 6 months?

Please do not include purchases from individuals, such as individual sellers on eBay or Craig's List.

- a. YES
- b. NO → Terminate

4. For the next set of questions, please think about the MOST RECENT purchase that you made from an Internet or catalog retailer that did not charge sales tax on the transaction. Again, please do not include purchases from individuals, such as individual sellers on eBay or Craig's List.;

Which of the following best describes the type of product you purchased?

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- m. Office Supplies
- n. Other \_\_\_\_\_ please describe
- o. None of the above

5. How did you make this purchase?

- a. Over the Internet
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6. Assume that in the future, the seller of this item, along with other out-of-state retailers, would be required to report your name, billing address, shipping address, the amount of your purchases, and the name of the retailer to the Colorado Department of Revenue.

Please indicate whether you agree or disagree with each of the following statements. (the following are all on 5-point Likert agree/disagree scale)

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7. If you were to make a similar purchase in the future, but with this new disclosure requirement in place, what would you most likely do?

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shipping address, and the amount of my purchases to the Colorado Department of Revenue

- c. Purchase the same or similar item in person from a store located in Colorado that is not required to report my name, billing address, shipping address, and the amount of my purchases to the Colorado Department of Revenue
  - d. Not purchase the item at all
  - e. Other (please describe) \_\_\_\_\_
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- iv. The State of Colorado requires that a Colorado purchaser must file a sales/use tax return at the end of the year reporting all taxable Colorado purchases that were not taxed and pay sales/use tax on those purchases.
- v. The retailer will send the purchaser an end-of-year summary of all Colorado purchases in order to assist in filing the use tax return.

As a result of this law, how would your Internet and catalog purchases from those out-of-state retailers who must report your name, address and purchase amount to the Department of Revenue likely be affected over the coming year?

- a. Increase as compared to the past year
- b. Remain the same as in the past year
- c. Decrease as compared to the past year

Thank you very much for your input so far! The survey is almost complete. The last few questions will be used only to categorize your answers. Once again, please be assured that your answers will be kept strictly confidential and will not be associated with your name in any way.

9. Which of the following categories represents your age?

- a. Under 21
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- d. 45 – 54
- e. 55 – 64
- f. 65 – 74
- g. 75 or older

10. Do any children under the age of 18 are currently live in your home?

- a. Yes
- b. No

11. What is your gender?

- a. Female
- b. Male

12. Which of the following categories includes your HOUSEHOLD'S total income for 2009 before taxes and including all sources of income?

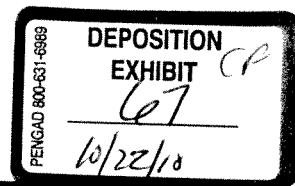
- a. Less than \$30,000
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- c. \$50,000 - \$74,999
- d. \$75,000 - \$99,999
- e. \$100,000 - \$124,999

f. \$125,000 - \$149,999

g. \$150,000 - \$249,999

h. \$250,000 or more

Thank you very much for your valuable input! All of your answers have been saved and you have now completed the survey. You may close your browser or visit other websites.



**Carl Woock**

**From:** Matthew P. Schaefer [MSchaefer@brannlaw.com]  
**Sent:** Friday, May 28, 2010 12:29 PM  
**To:** Thomas Adler; George S. Isaacson  
**Cc:** Nelson Whipple; Tyson Seely  
**Subject:** RE: Final DMA survey script

Tom:

Thank you. This appears to capture all of the changes we discussed. Please go forward with the programming so that we can field the pilot results at the earliest practical date.

A nice holiday week-end to all.

Thanks,

Matt

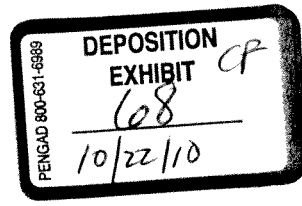
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**From:** Thomas Adler [mailto:tadler@rsginc.com]  
**Sent:** Friday, May 28, 2010 12:24 PM  
**To:** Matthew P. Schaefer; George S. Isaacson  
**Cc:** Nelson Whipple; Tyson Seely  
**Subject:** Final DMA survey script

Matt and George,

Attached is the final script reflecting the DMA and Keller comments that we will use for programming. Let us know if you see anything else that needs changes and otherwise we'll begin work on this. I'll be away for the next two weeks so you should communicate directly with Nelson and Tyson in my absence.

Thanks,  
Tom



**DMA/Colorado: Questionnaire**

*(Version 10 - Final Script)*

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1. Are you or any of your immediate family members currently employed in any of the following areas?

Please select all that apply.

- a. Advertising or public relations
- b. Agriculture or farming
- c. Construction
- d. Consulting
- e. Law or law enforcement
- f. Financial services or banking
- g. Education
- h. Market research → Terminate
- i. Media
- j. Manufacturing
- k. Public service or Not-for-profit



- l. Government agency
- m. Real estate
- n. Internet or catalog sales → Terminate
- o. Retailing
- p. Wholesaling
- q. Other
- r. None of the above

2. In what state do you currently live?

(use pull-down list of states) → Terminate if not Colorado

3. Have you purchased any products from an Internet or catalog retailer at any time within the past 6 months?

Please do not include purchases from individuals, such as individual sellers on eBay or Craig's List.

- a. YES
- b. NO → Terminate

4. For the next set of questions, please think about the **MOST RECENT** purchase that you made from an Internet or catalog retailer that did not charge sales tax on the transaction. Again, please do not include purchases from individuals, such as individual sellers on eBay or Craig's List.;

Which of the following best describes the type of product you purchased?

Please select all types that you bought as part of that most recent purchase.

- a. Books, music or video
- b. Clothing or accessories
- c. Drugs or cosmetics
- d. Consumer Electronics
- e. Computers and computer accessories

- f. Jewelry
- g. Tools/hardware
- h. Furniture/homeware
- i. Cooking/Kitchenware
- j. Outdoor/garden
- k. Food or drinks
- l. Software
- m. Office Supplies
- n. Other \_\_\_\_\_ please describe
- o. None of the above

5. How did you make this purchase?

- a. Over the Internet
- b. By telephone
- c. By mail

6. Assume that in the future, the seller of this item, along with other out-of-state retailers, would be required to report your name, billing address, shipping address, the amount of your purchases, and the name of the retailer to the Colorado Department of Revenue.

Please indicate whether you agree or disagree with each of the following statements. (the following are all on 5-point Likert agree/disagree scale)

- a. Reporting my name, billing address, shipping address, and the amount of my purchases to the State is an invasion of my privacy
- b. I do not mind the State of Colorado knowing the kinds of products I buy, from whom I buy them, where I have them shipped, and how much I spend

7. If you were to make a similar purchase in the future, but with this new disclosure requirement in place, what would you most likely do?

- a. Purchase the item from the same seller just as I did
- b. Purchase the same or similar item by phone, mail, or internet from a retailer located in Colorado that is not required to report my name, billing address,

shipping address, and the amount of my purchases to the Colorado Department of Revenue

- c. Purchase the same or similar item in person from a store located in Colorado that is not required to report my name, billing address, shipping address, and the amount of my purchases to the Colorado Department of Revenue
- d. Not purchase the item at all
- e. Other (please describe) \_\_\_\_\_

8. A new Colorado law requires each Internet and catalog retailer that does not collect Colorado sales tax to file annually with the Colorado Department of Revenue a written statement identifying each Colorado consumer who made purchases from the retailer during the previous calendar year and showing the total amount paid by each purchaser.

Under this new law, the Colorado Department of Revenue requires each Internet and catalog retailer that does not collect Colorado sales tax to give the purchaser notice with each purchase that:

- i. The retailer does not collect Colorado sales tax.
- ii. The purchase is not exempt from Colorado sales or use tax merely because it is made over the Internet or by other remote means.
- iii. The retailer is required by law at the end of the year to report to the Colorado Department of Revenue the purchaser's name, billing address, shipping address, and total dollar amount of Colorado purchases made over the Internet or by other remote means on which no Colorado sales tax was collected.
- iv. The State of Colorado requires that a Colorado purchaser must file a sales/use tax return at the end of the year reporting all taxable Colorado purchases that were not taxed and pay sales/use tax on those purchases.
- v. The retailer will send the purchaser an end-of-year summary of all Colorado purchases in order to assist in filing the use tax return.

As a result of this law, how would your Internet and catalog purchases from those out-of-state retailers who must report your name, address and purchase amount to the Department of Revenue likely be affected over the coming year?

- a. Increase as compared to the past year
- b. Remain the same as in the past year
- c. Decrease as compared to the past year

Thank you very much for your input so far! The survey is almost complete. The last few questions will be used only to categorize your answers. Once again, please be assured that your answers will be kept strictly confidential and will not be associated with your name in any way.

9. Which of the following categories represents your age?

- a. Under 21
- b. 21 – 34
- c. 35 – 44
- d. 45 – 54
- e. 55 – 64
- f. 65 – 74
- g. 75 or older

10. Do any children under the age of 18 are currently live in your home?

- a. Yes
- b. No

11. What is your gender?

- a. Female
- b. Male

12. Which of the following categories includes your HOUSEHOLD'S total income for 2009 before taxes and including all sources of income?

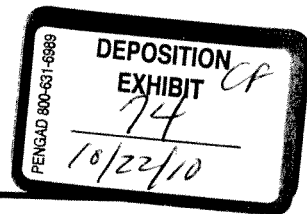
- a. Less than \$30,000
- b. \$30,000 - \$49,999
- c. \$50,000 - \$74,999
- d. \$75,000 - \$99,999
- e. \$100,000 - \$124,999

f. \$125,000 - \$149,999

g. \$150,000 - \$249,999

h. \$250,000 or more

Thank you very much for your valuable input! All of your answers have been saved and you have now completed the survey. You may close your browser or visit other websites.



**Carl Woock**

---

**From:** Nelson Whipple  
**Sent:** Friday, July 23, 2010 10:30 AM  
**To:** Matthew P. Schaefer  
**Cc:** Thomas Adler  
**Subject:** Report  
**Attachments:** RSG\_DMA\_Colorado\_final\_results.pptx

Matt,

Here is our report. Let us know if you have any questions or need any revisions. I am out of the office today, but will be back on Monday.

Best,

Nelson

**Nelson Whipple** | Director  
**Resource Systems Group, Inc.**  
205 West Wacker Drive, Suite 615 | Chicago, IL 60606  
Office 312.673.3320 ext. 201 | Mobile 847.644.0390 | [www.rsginc.com](http://www.rsginc.com)

DEPOSITION  
EXHIBIT CF  
76  
10/22/10  
PENGAD 800-631-9969

**Carl Woock**

---

**From:** Matthew P. Schaefer [MSchaefer@brannlaw.com]  
**Sent:** Saturday, July 24, 2010 9:52 AM  
**To:** Nelson Whipple  
**Cc:** Thomas Adler  
**Subject:** RE: Report

Nelson and Tom:

I will want to make revisions to tailor and streamline the document to current purposes (i.e., the motion for an injunction), as well as to provide additional information about the questionnaire (how respondents were screened during the process -- for example, only Colorado residents, excluding folks who had not made a purchase in the last six months, etc.).

I think it makes the most sense to discuss proposed edits by phone. I am free Monday late morning or after 2:30 pm. Let me know if we can schedule a call.

Thanks.

Matt

---

**From:** Nelson Whipple [nwhipple@rsginc.com]  
**Sent:** Friday, July 23, 2010 10:29 AM  
**To:** Matthew P. Schaefer  
**Cc:** Thomas Adler  
**Subject:** Report

Matt,

Here is our report. Let us know if you have any questions or need any revisions. I am out of the office today, but will be back on Monday.

Best,

Nelson

**Nelson Whipple** | Director  
**Resource Systems Group, Inc.**  
205 West Wacker Drive, Suite 615 | Chicago, IL 60606  
Office 312.673.3320 ext. 201 | Mobile 847.644.0390 | [www.rsginc.com](http://www.rsginc.com)

PENGAD 800-631-6989  
DEPOSITION  
EXHIBIT  
79  
10/22/10

**Carl Woock**

**From:** Nelson Whipple  
**Sent:** Monday, August 09, 2010 12:07 PM  
**To:** Thomas Adler  
**Subject:** RE: DMA report

Tom,

Thanks for handling this. I am back online this week so I will be able to be more involved. Are we in a position to bill them?

Best,

Nelson

-----Original Message-----

**From:** Thomas Adler  
**Sent:** Monday, August 09, 2010 8:44 AM  
**To:** Matthew P. Schaefer  
**Cc:** Nelson Whipple; George S. Isaacson  
**Subject:** RE: DMA report

Attached are 1) the final results document with the changes requested, 2) a revised copy of the declaration and 3) a copy of my resume.

Let me know if you would like anything else.

Thanks,  
Tom

-----Original Message-----

**From:** Matthew P. Schaefer [<mailto:MSchaefer@brannlaw.com>]  
**Sent:** Monday, August 09, 2010 9:16 AM  
**To:** Thomas Adler  
**Cc:** Nelson Whipple; George S. Isaacson  
**Subject:** Re: DMA report

Thanks, Tom. Feel free to strike my closing drafting note or address it, as appropriate.

With regard to the Final Results document reporting on the study, can we also clean up the one font typo I noted, anything else you may see, and choose a date for the cover (today is fine)? Can you attach you current C.V., as well?

Thanks.

Matt

On Aug 9, 2010, at 9:06 AM, Thomas Adler <[tadler@rsginc.com](mailto:tadler@rsginc.com)> wrote:

> Thanks Matt. This looks good to me. I found a couple more typos so I will correct those and send a revised copy shortly.

>  
>  
>



> -----Original Message-----  
> From: Matthew P. Schaefer [MSchaefer@brannlaw.com]  
> Received: 8/5/10 6:03 PM  
> To: Thomas Adler [tadler@rsginc.com]; Nelson Whipple [nwhipple@rsginc.com]  
> CC: George S. Isaacson [GISaacson@brannlaw.com]  
> Subject: FW: DMA report  
>  
> Tom:  
>  
> I wanted to check back-in with you to see if you have any revisions to the draft  
declaration. (We have caught the typo in the middle of para. 3 and changed 2007 to 2010.)  
>  
> Thanks,  
>  
> Matt  
>  
> From: Matthew P. Schaefer  
> Sent: Wednesday, July 28, 2010 10:33 AM  
> To: 'Thomas Adler'  
> Cc: Nelson Whipple; George S. Isaacson  
> Subject: RE: DMA report  
>  
> Tom:  
>  
> Thanks very much, the revised report looks good to me on an initial read, and I think  
addresses matters at the right level of detail. (Two minor points - we should change the  
date on the cover once final, and on page 2, the words "A clear" are in a different font than  
the remainder.) You are correct that I have chosen to address in your declaration the 7  
points to which the Court may look in evaluating the survey and, in that regard, I attach a  
draft of the declaration for your review. Please propose any changes you feel are necessary,  
including any corrections that may be required to my understanding of the process.  
>  
> The one caveat I will add both with regard to your declaration and the revised report is  
that George has not yet had an opportunity to review these drafts, and thus may propose  
changes he feels are appropriate.  
>  
> Thanks,  
>  
> Matt  
>  
> From: Thomas Adler [<mailto:tadler@rsginc.com>]  
> Sent: Wednesday, July 28, 2010 9:28 AM  
> To: Matthew P. Schaefer  
> Cc: Nelson Whipple  
> Subject: FW: DMA report  
>  
> Hi Matt,  
>  
> Attached is the revised deck that Nelson put together, for your review and use. The report  
addresses the points that you suggested, though not all of them explicitly. I assume that the  
declaration will address each of the 7 points individually and explicitly, with reference to  
the report.  
>  
> Let us know if you would like any further changes to this report.  
>  
> Thanks,  
> Tom